

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2016/ 2017

UAL 2612 – ADMINISTRATIVE LAW
(All Sections / Groups)

2 JUNE 2017

Reading Time : 9.00 am – 9.15am
(15 Minutes)

Answering Time: 9.15am – 12.15pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall a **CLEAN** and **ORIGINAL** copy of:
 - i) Rules of Court 2012

Students are not allowed to lend or borrow statutes(s) during the Examination.

5. Please write your answers in the Answer Booklet provided.

QUESTION 1

Apply legal principles established in cases and define the following terms:

- i) Tribunals;
- ii) Inquiries;
- iii) Unfettered discretion;
- iv) Public bodies; and
- v) Hybrid bodies.

(Total: 25 marks)

QUESTION 2

- i) Discuss the basic principles of administrative law.
(12.5 marks)
- ii) State the brief facts of *Subramaniam Vythiligam v Human Rights Commission of Malaysia* [2003] 6 CLJ 175 and discuss the implication of the case.
(12.5 marks)

(Total: 25 marks)

QUESTION 3

Under section 200 of the Medical Act 2005, the Health Minister has unlimited 'powers to grant funds for researches that enhance the well-being of mankind.' Section 32 of the same legislation states that all decisions made by the Minister are beyond challenge. The section reads as follows:

'All decisions made by the Minister cannot be questioned by any superior court in Malaysia.'

Derrick, a postgraduate student from a local university is writing his thesis on how gene technology can be used to detect abnormalities in pregnant mothers. He applied for funding under section 200 and was told all applicants will be interviewed. He was also told that during the interview sessions, the applicants will be asked to explain the benefits of their researches to mankind and how the funds will assist them in their research.

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Derrick and other postgraduate students undertaking research in different disciplines had applied for the funds. All other applicants were called for the interview and they received their funds. Derrick was the only applicant who was not called and his application was rejected.

Advise Derrick if he could challenge the decision of the Minister.

(Total: 25 marks)

QUESTION 4

Explain in your own words the importance of the Human Rights Commission and how it is able to safeguard the rights of individuals.

(Total: 25 marks)

QUESTION 5

i) Based on authorities, explain the term “adversely affected.”

(6 marks)

ii) Based on authorities, define the term “supervisory jurisdiction.”

(6 marks)

iii) If a client is of the opinion that he is unfairly detained, explain to him by referring to relevant authorities, the relevant remedy that he may seek and the effect of the remedy on his detention.

(6 marks)

iv) Explain by referring to case law, when could the Government be made liable for wrongful acts under the law of tort.

(7 marks)

(Total: 25 marks)

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